

EXHIBIT A

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

JASON PHASUK

Plaintiff,

v.

JAMES DIXON
145 Hollow Way
Newport, TN 37821

And

OLD DOMINION FREIGHT LINE, INC.
500 Old Dominion Way
Thomasville, NC 27360

SERVE REGISTERED AGENT:

The Corporation Company
120 South Central Avenue
Clayton, MO 63105

Defendants.

Case No.:

PETITION FOR DAMAGES

COMES NOW the Plaintiff, by and through counsel, and for his cause of action against the Defendants states and alleges as follows:

1. Plaintiff is and was at all times mentioned herein a residence of Blue Springs, Eastern Jackson County, Missouri.
2. Defendant James Dixon is an individual and employee of Defendant Old Dominion Freight Line, Inc. (Old Dominion), residing outside the Jackson County area.
3. Defendant Old Dominion is a trucking company dealing in the operation of commercial commerce in Jackson County, Missouri, and, therefore, is subject to the jurisdiction of this Court.

4. The events giving rise to this cause of action occurred in Independence, Eastern Jackson County, and this Court, therefore, has personal and subject matter jurisdiction and venue over this cause of action.

5. On September 9, 2018, at approximately 11:30 p.m., Plaintiff was operating his 2003 Toyota Corolla on westbound I-70 approaching the Little Blue Parkway.

6. On the date, time and location stated above Defendant Dixon was driving a 2017 Freightliner for his employer, Old Dominion, and was traveling westbound in the middle lane of traffic on I-70 in the lane next to Plaintiff's vehicle.

7. As Plaintiff proceeded in the far right lane on westbound I-70 with Defendant in the center lane, Defendant caused his truck to change lanes into the Plaintiff's lane, resulting in a collision and the damages and injuries hereinafter described.

8. At all times mentioned herein Defendant Dixon was driving the 2017 Freightliner owned by Defendant Old Dominion within the course and scope of his employment so that all of the acts and negligence alleged herein against Defendant Dixon apply to Defendant Old Dominion in its capacity as the employer.

9. When Dixon caused his vehicle to change lanes into Plaintiff's lane striking the Plaintiff, Dixon was negligent in one or more the following respects:

- a. Defendant Dixon made an improper lane change causing his truck to collide with Plaintiff's vehicle;
- b. Defendant Dixon failed to keep a proper lookout and, therefore, did not see Plaintiff in the adjoining lane, which resulted in Defendant striking Plaintiff's car;

- c. Defendant Dixon failed to operate his truck using the highest degree of care and by causing his vehicle to collide with Plaintiff's automobile;
- d. Defendant Dixon was negligent in one or more other respects that will be determined through the course of discovery in this action.

10. Defendant's conduct as described herein was a direct and proximate cause of the accident between Defendant and Plaintiff, and resulted in Plaintiff's damages and injuries.

11. As a direct and proximate result of the accident, Plaintiff sustained property damage to his vehicle, personal injuries to his body, including but not limited to, head injury, neck injury, shoulder injury, and associated conditions from the injury; and, Plaintiff incurred reasonable and necessary medical expenses, wage loss, and has suffered pain, discomfort, and permanent disability from his injuries. All of Plaintiff's injuries are permanent, progressive, and directly caused by the aforescribed accident.

WHEREFORE, Plaintiff prays judgment against Defendants, both jointly and severally, for such sum as will fairly and adequately compensate the Plaintiff for his damages, for pre-judgment and post-judgment interest, for his costs incurred and expended herein, and for such other and further relief as the Court deems just and proper under the circumstances.

SCHAFFER, McINTOSH & EFFERTZ

/s/ Steven C. Effertz
STEVEN C. EFFERTZ #27780
14701 E. 42nd Street
Independence, MO 64055
(816) 373-5590
(816) 373-2112 (FAX)
steve@smelawfirm.com
ATTORNEY FOR PLAINTIFF

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

JASON PHASUK,

PLAINTIFF(S),

**CASE NO. 2016-CV10019
DIVISION 12**

VS.

JAMES DIXON,

DEFENDANT(S).

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE
AND ORDER FOR MEDIATION**

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JENNIFER PHILLIPS** on **03-AUG-2020** in **DIVISION 12** at **10:00 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page www.16thcircuit.org for division policies and procedural information listed by each judge.

/S/ JENNIFER PHILLIPS

JENNIFER PHILLIPS, Circuit Judge

Certificate of Service

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

STEVEN CARL EFFERTZ, 14701 E 42ND STREET SOUTH, INDEPENDENCE, MO 64055

Defendant(s):

JAMES DIXON

OLD DOMINION FREIGHT LINE, INC.

Dated: 31-MAR-2020

MARY A. MARQUEZ
Court Administrator

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☐ AT KANSAS CITY ☐ AT INDEPENDENCE

RE: JASON PHASUK V JAMES DIXON ET AL
CASE NO: 2016-CV10019

TO: STEVEN CARL EFFERTZ
14701 E 42ND STREET SOUTH
INDEPENDENCE, MO 64055

We have received pleadings, which you submitted for filing in the case and they have been file-stamped on 3-26-20. However, your pleading cannot be processed further until the following action is taken:

RULE 3.2 - STYLE

- ☐ Additional service instructions are needed.
- ☐ Incorrect case number/filed in wrong county.
- ☐ Document is unreadable.

RULE 4.2 (2)

- ☐ Need Circuit Court Form 4

RULE 5.6 - COLLECTIONS OF DEPOSIT

- ☐ No fee, or incorrect fee, received; fee required is \$ ____.
- ☐ Insufficient Filing Fee; Please Remit \$ ____.
- ☐ No signature on check/form 1695.
- ☐ No request to proceed in forma pauperis.
- ☐ No personal checks accepted.

RULE 68.1

- ☐ Need Circuit Court Form 17

RULE 68.7 - VITAL STATISTICS REPORT

- ☐ Need Certificate of dissolution of marriage form.

RULE 74.14 SUPREME CT - FOREIGN JUDGMENT

- ☐ Authentication of foreign judgment required.
- ☐ Affidavit pursuant to Supreme Court Rule 74.14

RULE 54.12 SERVICE IN REM OR QUASI IN REM ACTIONS

- ☐ Affidavit for Service by Publication required pursuant to Supreme Court Rule 54.12c.
- ☐ Order for Service by Publication required pursuant to Supreme Court Rule 54.12c.
- ☐ Notice for Service by Publication required pursuant to Supreme Court Rule 54.12c.
- ☐ Affidavit for Service by Certified/Registered Mail pursuant to Supreme Court Rule 54.12b.

- ☒ **OTHER: If service is needed please efile instructions. Thank you 816-881-1655**
- ☐ Please take the actions necessary to comply with the Circuit Court Rules and your request will be processed.
- ☐ The private process server listed is not on our approved list.
- ☐ Execution in effect. Return date _____. Request may be resubmitted within one week prior to return date.
- ☐ Supreme Court Rule 90.13 requires interrogatories be served with summons of garnishment.

If the filing was a new case, please be advised that unless the additional information marked is received within 30 days of the date of this notice this case will be dismissed pursuant to Rule 37.4 for failure to prosecute without prejudice, at the Plaintiff's cost. Collection efforts will be pursued for these costs.

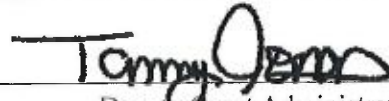
Please refer to the Court's website at www.16thcircuit.org for Court Rules or Forms.

Copies electronic noticed, faxed, emailed and/or mailed MARCH 31, 2020 to:

COURT ADMINISTRATOR'S OFFICE
DEPARTMENT OF CIVIL RECORDS
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

MARCH 31, 2020
Date

By



Deputy Court Administrator

- ☐ 415 East 12th St., Kansas City, Missouri 64106
- ☒ 308 W. Kansas, Independence, Missouri 64050

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☐ AT KANSAS CITY☒ AT INDEPENDENCEJASON PHASUKNO. 2016-CV10019

VS.

☒ CIRCUIT JUDGE☐ ASSOCIATE CIRCUIT JUDGEJAMES DIXON, ET AL.☐ SMALL CLAIMS**MEMORANDUM TO DEPARTMENT OF CIVIL RECORDS**
INSTRUCTIONS FOR ALIAS SUMMONS☐ PRIVATE PROCESS☒ CIVIL PROCESS☒ ISSUE ALIAS SUMMONS TO DEFENDANTJames Dixon145 Hollow WayNewton, TN 37821Sheriff of Cocke County, TN

COUNTY OF SERVICE

CASE CONTINUED TO: _____

☐ PREPARE TRANSCRIPT OF JUDGMENT☐ AUTHENTICATED ☐ CERTIFIED ☐ RECORD AS LIEN
☐ W/LETTER**REQUESTED BY**Steven C. EffertzNAME OF ☐ CREDITOR ☒ ATTORNEY & BAR NO.14701 E. 42nd Street

ADDRESS

Independence, MO 64055

CITY

STATE

ZIP

/s/ Steven C. Effertz

SIGNATURE

(816) 373-5590

PHONE

March 31, 2020

DATE

Please Provide Original & Copy




IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2016-CV10019
Plaintiff/Petitioner: JASON PHASUK	Plaintiff's/Petitioner's Attorney/Address STEVEN CARL EFFERTZ 14701 E 42ND STREET SOUTH INDEPENDENCE, MO 64055
Defendant/Respondent: JAMES DIXON	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)

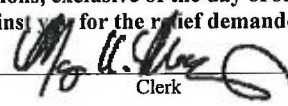
Summons in Civil Case

The State of Missouri to: JAMES DIXON
Alias:
145 HOLLOW WAY
NEWPORT, TN 37821

COURT SEAL OF

JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

02-APR-2020
Date


Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
- ☐ other _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary \$ 10.00
Supplemental Surcharge \$ _____
Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☐ AT KANSAS CITY☒ AT INDEPENDENCEJASON PHASUKNO. 2016-CV10019

VS.

☒ CIRCUIT JUDGE☐ ASSOCIATE CIRCUIT JUDGEJAMES DIXON, ET AL.☐ SMALL CLAIMS**MEMORANDUM TO DEPARTMENT OF CIVIL RECORDS**
INSTRUCTIONS FOR ALIAS SUMMONS☐ PRIVATE PROCESS☒ CIVIL PROCESS☒ ISSUE ALIAS SUMMONS TO DEFENDANTOld Dominion Freight Line, Inc.
c/o The Corporation Company
120 South Central Avenue
Clayton, MO 63105
Sheriff of St. Louis County, MO
COUNTY OF SERVICE

CASE CONTINUED TO: _____

☐ PREPARE TRANSCRIPT OF JUDGMENT☐ AUTHENTICATED ☐ CERTIFIED ☐ RECORD AS LIEN
☐ W/LETTER**REQUESTED BY**Steven C. EffertzNAME OF ☐ CREDITOR ☒ ATTORNEY & BAR NO.14701 E. 42nd Street

ADDRESS

Independence, MO 64055

CITY

STATE

ZIP

/s/ Steven C. Effertz

SIGNATURE

(816) 373-5590

PHONE

April 6, 2020

DATE

Please Provide Original & Copy




IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2016-CV10019
Plaintiff/Petitioner: JASON PHASUK	Plaintiff's/Petitioner's Attorney/Address STEVEN CARL EFFERTZ 14701 E 42ND STREET SOUTH INDEPENDENCE, MO 64055
Defendant/Respondent: JAMES DIXON	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)


Summons in Civil Case

The State of Missouri to: OLD DOMINION FREIGHT LINE, INC.
Alias:
 SRV RA: THE CORPORATION CO
 120 SOUTH CENTRAL AVENUE
 CLAYTON, MO 63105

COURT SEAL OF

JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

06-APR-2020
 Date


 Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____ (address)

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ (date) _____ Notary Public

Sheriff's Fees

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ _____
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

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Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



Return

SB
5-5

IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2016-CV10019
Plaintiff/Petitioner: JASON PHASUK	Plaintiff's/Petitioner's Attorney/Address STEVEN CARL EFFERTZ 14701 E 42ND STREET SOUTH INDEPENDENCE, MO 64055
Defendant/Respondent: JAMES DIXON	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: OLD DOMINION FREIGHT LINE, INC.
Alias: *30 CTCOR VW*

SRV RA: THE CORPORATION CO
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

COURT SEAL OF

JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

06-APR-2020
Date

[Signature]
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to **LCW - A. BRANDON** (name) **INTAKE SPECIALIST** (title).

☐ other _____

Served at **THE CORPORATION CO.** (address)
in **St. Louis County** (County/City of St. Louis), MO, on **APR 16 2020** (date) at **8 AM** (time).

Nathan Gentry
Printed Name of Sheriff or Server

[Signature]
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date)

My commission expires: _____ Date

(Seal)

Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$. _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

RECEIVED
APR 10 2020
ST. LOUIS COUNTY
SHERIFF'S OFFICE
APR 10 4:10:08

APR 10 2020

20-SMCC-3122



Return

SB
5-5

IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2016-CV10019
Plaintiff/Petitioner: JASON PHASUK	Plaintiff's/Petitioner's Attorney/Address STEVEN CARL EFFERTZ 14701 E 42ND STREET SOUTH INDEPENDENCE, MO 64055
Defendant/Respondent: JAMES DIXON	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

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Alias: *30 CTCOR VW*

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120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

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JACKSON COUNTY

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06-APR-2020
Date

[Signature]
Clerk

Sheriff's or Server's Return

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☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to **LCW - A. BRANDON** (name) **INTAKE SPECIALIST** (title).

☐ other _____

Served at **THE CORPORATION CO.** (address)
in **St. Louis County** (County/City of St. Louis), MO, on **APR 16 2020** (date) at **9 AM** (time).

Nathan Gentry
Printed Name of Sheriff or Server

[Signature]
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date)

My commission expires: _____ Date

(Seal)

Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

RECEIVED
APR 10 AM 10:08
JACKSON COUNTY
SHERIFFS OFFICE

APR 10 2020

20-SMCC-3122

